

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. **CV 23-3122-JFW(Ex)**

Date: August 1, 2023

Title: Andrea Love -v- Ellen Stone, et al.

PRESENT:

HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

Shannon Reilly
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

None

PROCEEDINGS (IN CHAMBERS):

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S
MOTION TO REMAND REMOVED ACTION [filed
7/3/2023; Docket No. 41];**

ORDER TO SHOW CAUSE RE: SANCTIONS

On July 3, 2023, Plaintiff Andrea Love ("Plaintiff") filed a Motion to Remand Removed Action. On July 17, 2023, Defendant Ellen Stone ("Defendant") filed her Opposition. On July 24, 2023, Plaintiff filed a Reply. Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, the Court finds that this matter is appropriate for decision without oral argument. The hearing calendared for August 7, 2023 is hereby vacated and the matter taken off calendar. After considering the moving, opposing, and reply papers, and the arguments therein, the Court rules as follows:

The Standing Order filed on April 27, 2023 (Docket No. 10), provides in relevant part: "Not more than two days after the deadline for filing the Reply, each party shall lodge a Proposed Statement of Decision, which shall contain a statement of the relevant facts and applicable law with citations to case law and the record." Standing Order, § 5(f). Both Plaintiff and Defendant failed to file the required Proposed Statement of Decision. Pursuant to Local Rule 7-12, "[t]he failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion" In addition, the Standing Order expressly provides that the "[f]ailure to lodge the Proposed Statement will result in the denial or granting of the motion." Standing Order, § 5(f). Accordingly, Plaintiff's Motion to Remand Removed Action is **DENIED without prejudice** for failure to lodge the Proposed Statement of Decision in violation of the Court's Standing Order.

In addition, both Plaintiff and Defendant are ordered to show cause in writing by **August 4**,

2023 why the Court should not impose sanctions in the amount of \$1,500.00 against each lead counsel for their violation of the Court's Standing Order, especially given that both lead counsel have filed declarations stating that they have read the Court's Standing Order. No oral argument on this matter will be heard unless otherwise ordered by the Court. See Fed. R. Civ. P. 78; Local Rule 7-15. The Order to Show Cause will stand submitted upon the filing of the response to the Order to Show Cause. Failure to respond to the Order to Show Cause will result in the imposition of sanctions.

Before re-filing the Motion to Remand Removed Action, lead counsel shall conduct a new 7-3 conference **in person** at least five days prior to filing the motion and shall file a new joint statement in accordance with the Court's Standing Order. During that conference, in addition to discussing thoroughly the substance of the contemplated motion and any potential resolution, the parties shall attempt to resolve Defendant's objections to Plaintiff's declaration and exhibits. In the Court's view, many of Defendant's objections are frivolous and not made in good faith. For example, Plaintiff may testify as to out-of-court statements made by Defendant pursuant to Fed. R. Evid. 801(d)(2)(A). Moreover, while some of Defendant's objections may have merit, it appears that they could easily be resolved through a deposition of Defendant. The Court reminds Defendant that: "If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded." Thus, even if the Court sustains an objection to Plaintiff's evidence in its current form and Plaintiff is later able to prove the facts asserted, this action may still be remanded in the future.

IT IS SO ORDERED.